

**REMARKS**

This Amendment is filed in response to the Office Action mailed on June 10, 2004. All objections and rejections are respectfully traversed.

Claims 1 to 26 are in the case.

Claims 1 to 13 and 22 to 25 were allowed.

Claims 14 to 16 were rejected.

Claims 17 to 21 were objected to, and Claim 17 was amended to overcome the objection.

Claim 26 to 38 were added to better claim the invention.

At paragraph 3 of the Office Action claims 14 to 16 were rejected under 35 U.S.C. §102 as being unpatentable in view of Capps US Patent No. 6,397,311 issued on May 28, 2002, hereinafter Capps.

The present invention, as set forth in currently amended claim 14 comprises in part:

14. A method for defragmenting data blocks on disks of a computer configured to implement a file system that logically organizes the blocks as a file on the disks, the file further including indirect blocks having pointers that reference the data blocks, the method comprising the steps of:

locating a beginning of the file;  
selecting a range of data blocks to defragment, where the range of data blocks is a number of blocks referenced by an indirect block;

*attempting defragmentation of the range of data blocks by determining whether a new layout is better then an existing layout; and*  
repeating the steps of selecting and attempting until defragmentation of all ranges of data blocks within the file has been attempted.

By way of background, Capps describes a system and method for defragmenting a file system. One step in the method is to decide if there is sufficient disk space within the file system. (Column 5 line 65 to Column 6 line 2)

Applicant respectfully urges that Capps does not show Applicant's claimed novel step of *attempting defragmentation of the range of data blocks by determining whether a new layout is better then an existing layout*. Capps does not decide whether the potential new layout is an improvement over current lay out.

Applicant's invention determines if the potential new layout is an improvement over the current layout. Applicant's potential new layout is used if the new layout improves fragmentation of the current layout. In sharp contrast, Capps determines if there is sufficient disk space within the file system for the new layout. Capps does not determine if the potential new layout will be better then the current layout, only if there is sufficient space for the new layout.

Applicant respectfully urges that the Capps patent is legally precluded from anticipating the claimed invention under 35 U.S.C. §102 because of the absence from the Capps patent of Applicant's step of *attempting defragmentation of the range of data blocks by determining whether a new layout is better then an existing layout*

All independent claims are believed to be in condition for allowance.

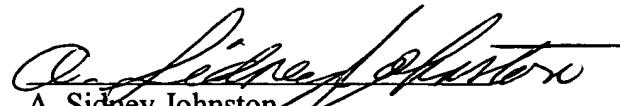
PATENTS  
112056-0002  
P01-1011

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 03-1237.

Respectfully submitted,



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